



STATE OF WASHINGTON  
WASHINGTON STATE BOARD OF HEALTH  
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January 14, 2004

**TO:** Washington State Board of Health Members

**FROM:** Carl Osaki, WSBOH Member

**RE:** UPDATE ON FOOD SERVICE RULE REVISION PROCESS—CHAPTER  
246-215 WAC

**Summary**

In November 2001, the Board began the food service rule revision process. The stated goal was to develop regulations that are more consistent statewide, using the U.S. Food and Drug Administration (FDA) Food Code as a guide. The FDA Food Code contains model guidelines for regulating food service establishments, along with extensive references, public health reasons for the guidelines, and additional information.

Board members asked for periodic updates on the food service rule revision process. At today's meeting, Jennifer Tebaldi from the DOH Food Safety Program will discuss the rule revision timeframe and issues that have received the most public input and discussion during the rule revision process. Input has been received from members of a "Core Workgroup," participants on subcommittees formed to discuss specific issues, through emails, letters, and at public workshops held throughout the state. DOH Food Safety Program staff members have used this input on the FDA Food Code, along with direction from me, to develop draft food service rules.

The process has adhered to the proposed timeline. The Board can expect a final update in July 2004 and should plan on holding the public hearing on the proposed draft rule in September 2004, with the goal of adopting an updated version of the Washington food service rules by December 31, 2004. (Please see DOH materials in Tab 7.)

**Board action recommended**

*No action recommended at this time.*

**Background**

The purpose of chapter 246-215 WAC is to establish State Board of Health standards for food service under RCW 43.20.050 to promote and protect the health, safety, and well being of the public and prevent the spread of disease by food (WAC 246-215-001). The food service rules adopted by the Board cover a wide range of activities including food preparation, protection

from contamination, temperature control, cooking requirements, sanitary design of equipment, cleaning, worker hygiene, and pest control.

Local health jurisdiction staffs enforce Food Service regulations, and local boards of health may adopt more stringent regulations (WAC 246-215-280). The Board last revised its food service rules in 1992.

In November 2001, the Board filed a CR-101 to begin the rule revision process for the food service regulations. The stated goal was to develop regulations that are more consistent statewide, using the U.S. Food and Drug Administration (FDA) Food Code as a guide.

The FDA Food Code contains model guidelines for regulating food service establishments, along with extensive references, public health reasons for the guidelines, and additional information. Forty-one states have adopted some version of the federal model code, and eight more states (including Washington) are actively considering adopting most of its provisions.

House Bill 1318, proposed by DOH and supported by the Board, went into law in summer 2003. It added section .145 to chapter 43.20 RCW: “The state board shall consider the most recent version of the United States Food and Drug Administration’s Food Code for the purpose of adopting rules for food service.” Because of this change, the rule adoption process will be streamlined – economic impact analyses are not needed for changes made to food service rules that are taken from the FDA Food Code.

Because of concerns about the timeframe for revising chapter 246-215 WAC, Food Service Regulations and the variability of food regulations in a few local health jurisdictions, the 2002 Legislature passed Engrossed Substitute Senate Bill 6588, which would have given the Board sole rule-making authority to adopt food service rules for food service establishments, preempting local health jurisdictions’ current ability to set stricter food regulations. Although Governor Locke vetoed ESSB 6588, the bill’s December 2004 rule adoption date was incorporated into the food service rule revision timeframe.